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ATTORNEY FOR APPELLANT:

TIMOTHY J. BURNS
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER
Attorney General of Indiana

ANN L. GOODWIN
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

AARON PRICE,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 49A02-0608-CR-652
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Israel Cruz, Judge Pro Tem
Cause No. 49F10-0601-CM-8996

April 17, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

DARDEN, Judge

STATEMENT OF THE CASE

Aaron Price appeals his conviction in a bench trial for battery as a class B misdemeanor.¹

We affirm.

ISSUE

Whether the State presented sufficient evidence to convict Price.

FACTS

In the afternoon of January 18, 2006, while riding an Indianapolis Public School bus, Brianna Trammell began arguing with Price's brother, Corey Willis. Corey exited the bus after the bus driver "stopped the bus because [they] w[ere] fighting." (Tr. 9). Price, who had been sitting in the back of the bus, then "got up, and he got in [Trammell's] face, and he hit [her]." (Tr. 9). Trammell "hit him back." (Tr. 16). A fight then ensued between Trammell and Price until "finally this boy came, and he got [Price] off of [Trammell]," who had fallen on top of the bus driver. (Tr. 9). Trammell sustained a "busted" lip. (Tr. 12).

On January 18, 2006, the State charged Price with battery as a class A misdemeanor. The trial court conducted a bench trial on July 11, 2006. Finding that the State failed to prove that Trammell sustained pain or an injury, the trial court found Price guilty of the lesser offense of battery as a class B misdemeanor.² The trial court then

¹ Ind. Code § 35-42-2-1.

² We note that the chronological case summary records Price's conviction as a class B misdemeanor while the abstract of judgment states that Price was found guilty of battery as a class A misdemeanor.

sentenced Price to a suspended sentence of 180 days and ordered Price to attend twenty-six weeks of anger management counseling.

DECISION

Price asserts that the evidence was insufficient to sustain his conviction for battery as a class A misdemeanor because the State failed to prove that Price caused the injury to Trammell's lip or that she suffered any pain as a result of her injury.³

Our standard of review for sufficiency of the evidence is well settled. We will neither reweigh the evidence nor judge the credibility of witnesses. *Snyder v. State*, 655 N.E.2d 1238, 1240 (Ind. Ct. App. 1995). We examine only the evidence most favorable to the judgment along with all reasonable inferences to be drawn therefrom, and, if there is substantial evidence of probative value to support the conviction, it will not be set aside. *Id.*

Trammell testified that Price "hit [Trammell] first" (Tr. 17) and "had [her] by [her] shirt." (Tr. 11). Price testified that he never struck Trammell. After hearing testimony, the trial court convicted Price of battery as a class B misdemeanor.

We find that the evidence was sufficient to convict Price of battery as a class B misdemeanor, where the State presented evidence that Price hit and grabbed Trammell.

The abstract of judgment, however, is not the official trial court record. *See Robinson v. State*, 805 N.E.2d 783, 794 (Ind. 2004).

³ Price also asserts that "the evidence did not overcome his self defense claim in his defense of his brother." Price's Br. 4. Price has failed to develop a cogent argument and provide citation to authority regarding this claim. Thus, Price has waived this issue. *See Bonner v. State*, 776 N.E.2d 1244, 1251 (Ind. Ct. App. 2002) (stating that a party waives any issue raised on appeal where the party fails to develop a cogent argument or provide adequate citation to authority and portions of the record), *trans. denied*.

See I.C. § 35-42-2-1(a) (providing that “[a] person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor”). Price’s claim to the contrary is merely an invitation to judge the credibility of the witnesses and to reweigh the evidence, which we will not do. However, we hereby order the trial court to issue an appropriate abstract of judgment reflecting that Price was convicted of a class B misdemeanor.

Affirmed.

BAKER, C.J., and ROBB, J., concur.